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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Theodore Johnson

Plaintiff(s),

-against-

Lions Gate Entertainment

Defendant(s).

---x

06 Civ. 5866 (HB)

PROPOSED PRETRIAL SCHEDULING ORDER

APPEARANCES:

Plaintiff(s) by: Seyfarth Shaw LLP by: Eddy Salcedo

Defendant(s) by: Davis Wright Tremaine LLP. by: Marcia Paul

HAROLD BAER, Jr., District Judge:

Do the parties consent to proceed before a United States Magistrate for all purposes, pursuant to 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73?

Yes __ No ✓

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, after holding an initial pretrial conference on notice to all parties, it is hereby ordered that:

Except under circumstances agreed to by the Court:

1. No additional parties may be joined after N/A, ____.

Johnson v. Lions Gate Entertainment Corp. et al — Doc. 10

2. No additional causes of action or defenses may be asserted after N/A, ____.

3. **Discovery**: All discovery, except for expert discovery, shall be commenced in time to be completed by March 30, 07. Disclosure of expert testimony, if any, will be made at least 45 days before the agreed to trial month. Evidence intended to contradict or rebut the subject matter of the expert testimony will be submitted within 21 calendar days after the disclosure made by the other party, subject only to further order of this Court. As the Court rarely grants extensions, any delays or disputes in the taking of discovery should be reported to the Court immediately.

4. **Motions**: No party may make a dispositive motion returnable after ~~April~~ May 15, 07. Either party may request (and will be given a date by Chambers) for oral argument. The above date is the date by which any motion shall be fully briefed (i.e., moving, opposition and reply papers) and a courtesy copy delivered to Chambers.

In deciding the last date to submit fully briefed motions and your agreed to trial month, keep in mind that the Court requires at least **60 days** to decide dispositive motions.

5. **Joint Pretrial Order**: A joint pretrial order shall, unless waived by the Court, be submitted by August 1, 07. The pretrial order shall conform to the Court's Individual Practice and Rules. Counsel may inquire of Chambers with respect to the filing date(s) for requests to charge, proposed voir dire, and motions in limine, but in no event are they to be submitted less than five (5) business days (fully briefed) before the date set for trial.

6. **Jury** ✓. **Non-Jury** __. Estimated number of trial days is 3. **This case is added to the** August 07 **Trailing Trial Calendar**. Counsel should not make any other commitments during this month. As a general rule, all cases will be tried within a reasonable time from the date of this pretrial conference based on the complexity of the case.

7. The law clerk assigned to this case is Ofra, to whom all correspondence should be directed.

8. Upon request to Chambers by either side, the Court will schedule and conduct a settlement conference and/or mediation. The Court will also, upon request, facilitate mediation under the Court Mediation Program or a settlement conference before your Magistrate Judge. In the case of a mediation to be conducted by the Court, all parties must bring their respective clients to the mediation. Keep in mind, closure, for the most part, is accomplished in direct proportion to how early in the litigation the mediation occurs. Any ADR procedure must occur within the framework of this order.

9. Whenever a case is resolved, the parties must submit an Order of Discontinuance, signed by all parties. When the parties settle within forty-eight hours of trial or the filing of a dispositive motion, they must notify the Court immediately of such settlement, and fax to the Court no less than thirty-six hours prior to their planned appearance, an Order of Discontinuance (copy attached), signed by all parties.

10. The parties' signatures below represent their understanding and agreement that this schedule is final and binding upon them unless the Court concludes that extraordinary circumstances warrant an extension with respect to one or more than one of the scheduled dates.

______________________ For Plaintiff

______________________ For Defendant

______________________ For Defendants

______________________ For Plaintiff

SO ORDERED.

DATED: New York, New York

10/5, 06

HAROLD BAER, JR.
United States District Judge

6/06